

REMARKS/DISCUSSION:

This Amendment A is being filed within three months after the shortened statutory period for response that ended on January 4, 2006. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the transmittal letter filed herewith.

By this Amendment A, claims 1-12 and 25-29 are pending in this application. Claims 13-24 and 30-35 have been withdrawn without traverse. Claim 1 has been amended to recite that the electrode is adapted for direct contact with the treatment site, and claim 27 has been amended to recite that the grasping devices are adapted for grasping tissue. Support is given in the Abstract. No new matter is added.

Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-12 and 25-29 stand rejected as being unpatentable over Vise (US Patent No. 3,845,771) in view of Laird (US Patent No. 4,337,496) as noted in the Office Action.

Vise neither discloses nor suggests, alone or in combination with Laird, a finger cuff assembly having a first electrode adapted for direct contact with a treatment site as is now recited in claim 1. In fact, Vise teaches away from such contact and only teaches an electrode for contact with a surgical instrument. See col. 1, lines 52-55, "electrode . . . arranged as to directly conduct high frequency electrical current to an

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electrically conductive instrument, such as forceps or scalpel held in the surgeon's hand. (*Emphasis added*). See also, col. 3, lines 35-56.

Likewise, claim 27 has been amended to now recite that the first and second grasping devices are adapted for grasping tissue. Again, Vise, alone or in combination with Laird, neither discloses nor suggests a grasping element for grasping tissue. Vise teaches an electrode assembly for grasping only electrically conducting instruments. Reconsideration is requested.

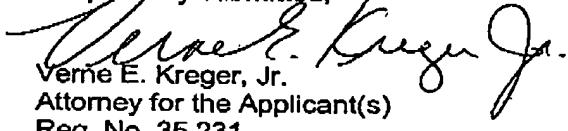
Conclusion

Applicant(s) submits that in view of the discussion, the rejections under 35 U.S.C. §103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-780NP/VEK.

Respectfully submitted,



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